



GRANT COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer

For Ecology Use Only

RECEIVED

Received: JAN 27 2004

Date Stamp

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Record of Decision

Applicant: Port of Royal Slope, District No. 2 of Grant County

DOE WRATS Number: CG3-28180@2

This record of decision was made at an open public meeting of the Grant County Water Conservancy Board held on January 22, 2004

☐ **Approval:**

The Grant County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on January 22, 2004 and submits this record of decision and report of examination to the Department of Ecology for final review or consideration.

☐ **Denial:**

The Grant County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review or consideration.

Signed:

W. Ron Baker
W. Ron Baker, Commissioner
Grant County Water Conservancy Board

Date: 1-26-04

Approves ☒
Denies ☐
Recuse ☐

Keith Ellis
Keith Ellis, Commissioner
Grant County Water Conservancy Board

Date: 1-26-04

Approves ☒
Denies ☐
Recuse ☐

Robert S. Rolfness
Robert S. Rolfness, Chair
Grant County Water Conservancy Board

Date: 1/26/04

Approves ☒
Denies ☐
Recuse ☐

Mailed to the Department of Ecology Eastern Regional Office of Ecology, via tracked mail, and other interested parties on _____

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GRANT COUNTY
WATER CONSERVANCY BOARD

Application for Change/Transfer

Record of Examination

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

JAN 27 2004

DEPARTMENT OF ECOLOGY
LAND & WATER DIVISION

X Ground Water

(Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

DATE APPLICATION RECEIVED	PERMIT NUMBER G3-28180P	CERTIFICATE NUMBER	CHANGE APPLICATION NUMBER CG3-28180@2
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NAME and ADDRESS

Port of Royal Slope, District No. 2 of Grant County

ADDRESS (STREET)

Post Office Box 147

(CITY)

Royal City

(STATE)

WA

(ZIP CODE)

99357-0147

DECISION HISTORICAL SUMMARY

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE						QUANTITY, TYPE OF USE, PERIOD OF USE					
2250 gpm, 2400 acre-feet per year, continuously, for commercial supply and fire protection						2250 gpm, 2400 acre-feet per year, continuously, for commercial supply and fire protection					
SOURCE						SOURCE					
Tributary of (if surface water)						Tributary of (if surface water)					
Two Wells						Two Wells					
NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,	NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,
1	SW	SE	7	16N	26E	1	SW	SE	7	16N	26E
2	SW	SE	7	16N	26E	2	NW	NW	18	16N	26E
Place of Use						Place of Use					
LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:)						LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED					
The S1/2S1/2 of Sec. 7, T16N, R26E, WM., excluding the S1/2SE1/4SE1/4, Sec. 7 T16N, R26E, WM; and the NW1/4NW1/4 and Gov't Lots 1 and 2, Sec. 18, T16N, R26E, WM.						Include those portions of E1/2 of Section 12, T16N, R25E, WM and Sections 7, 8, and 9 of T16N, R26E WM lying South of State Route 26; and the NW1/4NW1/4 and Gov. Lots 1 and 2 of Section 18, T16N, R26E, WM.					
NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,	NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE, (
				16N	26E						

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: **X** Exempt Not exempt

Water Right Priority Date: June 23, 1986

BOARD DECISION

MAXIMUM CUB FT/ SECOND N/A	MAXIMUM GAL/MINUTE 2250	MAXIMUM ACRE-FT/YR 2400	TYPE OF USE, PERIOD OF USE Continuously, for Commercial Supply and Fire Protection.			
SOURCE 2 Wells			Tributary of (if surface water)			
AT A POINT LOCATED: PARCEL NO. 25 feet NE from S1/4 Corner [GPS 46° 53.096'N, 119° 36.539'W] To be constructed			1/4 SW NW	1/4 SE NW	SECTION 7 18	TOWNSHIP N. 16N 16N
						RANGE 26E 26E
						WRIA 41 41
						COUNTY Grant Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED						
Include those portions of E1/2 of Section 12, T16N, R25E, WM and Sections 7, 8, and 9 of T16N, R26E WM lying South of State Route 26; and the NW1/4NW1/4 and Gov. Lots 1 and 2 of Section 18, T16N, R26E, WM.						
PARCEL NO.	1/4	1/4	SECTION		TOWNSHIP N.	RANGE,

DESCRIPTION OF PROPOSED WORKS

Two wells and a pressure distribution system.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Project has started.	COMPLETE PROJECT BY THIS DATE: October 1 st , 2007	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: October 1 st , 2007
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REPORT

See WAC 173-153-130

BACKGROUND

Existing Application (Permit, Claim, or Certificate No. and Applicant Identification:

The Department of Ecology had received and not been able to process this Application for Change of permit number G3-281 80P dated March 31, 1997. At the applicants request this change application was transferred to the Grant County Water Conservancy Board for action in early 2000. In reviewing the requested actions of the WCB the applicant requested this 1997 Change Application be rejected by the Department of Ecology and was formally rejected on February 26, 2001.

A new application by the Port of Royal Slope for change of Ground Water Permit G3-29072P was filed with the Grant County Water Conservancy Board [GC WCB] on January 16, 2001. This application was assigned number CG3-28180@1 by the WDOE. The applicant proposed to integrate Certificate 3184-A with certificate 5405-A both owned by the City of Royal City and this permit owned by the Port of Royal Slope, G3-28180P. The combined integrated three water rights would serve the UGB area of the city and the land owned by the Port District. The City of Royal City filed similar Applications for the other two water rights with the GC WCB. At the request of both applicants the three Applications for Change were withdrawn before the GC WCB could act upon them.

The Port of Royal Slope, District No. 2 of Grant County submitted to the GC WCB in May 2002 an Application for Change/Transfer of Water Right requesting a change of place of use and one of the two points of withdrawal of Ground Water Permit G3-28180P. Upon submission the application was sent to the Department of Ecology (WDOE) along with the application fee. The department assigned the application their WRATS control number CG3-28180@2 on May 10th, 2002.

This Permit to withdraw state water, G3-28180P, has a priority date of June 23, 1986, is issued in the amount of 2250 gallons per minute, 2400 acre-feet per year, continuously, for the purpose of commercial supply and fire protection. The place of use is The S1/2S1/2 of Sec. 7, T16N, R26E, WM., excluding the S1/2SE1/4SE1/4, Sec. 7 T16N, R26E, WM; and the NW1/4NW1/4 and Gov't Lots 1 and 2, Sec. 18, T16N, R26E, WM. The point of withdrawal was one wells located 25 feet NE from the S¼ Corner or within the SW1/4SE1/4 of Section 7.

On September 26, 1994 a superseding permit was issued changing the original G3-28180P. The change authorized a new or additional point of withdrawal, making a total of 2 wells. These were defined as: 1) 25 feet northeast from the S1/4 corner of Section 7; 2) 900 feet northeast from the S1/4 corner Section 7, both T16N, R26E, W.M., WRIA 41, Grant County. The amount of water, purpose, and place of use was not changed.

This permit is not perfected and has received construction extensions allowing development until October 1st, 2007.

Purposed Changes:

The Port of Royal Slope, District No. 2 of Grant County proposes to change the location of the authorized second point of withdrawal and to change to the place of use.

The proposed new location of the second point of withdrawal would be within the NW1/4NW1/4 of Section 18, T16N, R26E, W.M.

The proposed new place of use would be: Include those portions of E1/2 of Section12, T16N, R25E, WM and Sections 7, 8, and 9 of T16N, R26E WM lying South of State Route 26; and the NW1/4NW1/4 and Gov. Lots 1 and 2 of Section 18, T16N, R26E, WM.

COMMENTS AND PROTESTS

Public Notice and Comment

Public notice of this application was published in the Grant County Journal on August 21st and August 28th, 2003. No public comments were received.

A revised public notice was published in the Grant County Journal on December 18th and December 24th, 2003. No public comments were received.

Compliance with State Family Farm Act:

Water Right Development Permit Number G3-28180P is not subject to the provisions of the Family Farm Water Act Chapter 90.66 RCW as modified by ESHB 1832.

Compliance with State Environmental Policy Act:

This application is exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

INVESTIGATION

Field Examination for Existing Use and Site of Change/Transfer:

Robert S. Rolfness and Arlie Updegrave of the GC WCB conducted a field examination on July 11th, 2001. The applicant's permit is located approximately a mile east and a mile south of Royal City, WA, lying just south of State Highway 26. The port district intends to develop the site for commercial use and supply water to an adjoining industrial park.

One of the two permitted wells one was found completed and in operation. Its location is at the site number one of the permit. Review of the WATER WELL REPORT for this well filed with the DOE shows it has a depth of 534 feet with 16 inch casing set to 232 feet. A 150 HP turbine pump was installed. Construction of the water distribution system was in progress and not completed at the time of the inspection. An approved measuring device had been installed at the wellhead, which read 500 gpm flow. Water was being delivered to a food processing facility.

DISCUSSION AND CONCLUSIONS

Change of the Place of Use

Under current Department of Ecology Policy for Water Right permits that are not perfected, a change of the Place of Use is not allowed. The GC WCB has determined this permit and the Port of Royal Slope qualifies as a Municipal Water Right under 2E2SHB 1338. This new law allows a Municipal Water Right's place of use to be the Municipal Supplier's Service Area. Therefore the change in Place of Use is allowed.

Addition of Point of Withdrawal

Applications for change of water right permits and certificates are governed by RCW 90.44.100 which states in part that the holder of a valid right to withdraw public groundwater may, without losing his her priority of right, construct wells at a new location in replacement for, or in addition to, those at the original location, or he/she may change the manner or the place of use of the water. Any amendment shall be issued by the Department of Ecology (Ecology) only under the condition that (1) an additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the replacement well or wells; (3) construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) all existing water rights shall not be impaired. Ecology may specify an approved manner of well construction and shall require a showing of compliance with the provisions of the amendment.

Two Reports of Examination have been written in support of this permit and its previous change. In support of the original permit James A. Jacobson of the ERO on June 11, 1987 found in part:

"Walls in this area rely on ground water derived from the interflow zones of the Columbia River Basalts. Each individual interflow zone encountered during drilling of a well contributes to the total or composite head in the completed well. The individual interflow zones are often laterally extensive and large volume ground water withdrawals tend to have widespread affects on existing wells using common interflow zones. However, the Interflow zones separating individual basalt flows are poorly

interconnected and retard vertical movement of ground waters between zones. This fact is evidenced by the difference in heads or standing water levels in wells penetrating different interflow zones."

"This area also receives some recharge to shallow aquifers from the Columbia Basin Project, as evidenced by emerging ground waters in some areas. These waters are generally used for stockwater and wildlife in the area."

"There are very few existing wells in this area due to the Columbia Basin Project serving most of the irrigation needs. The Department has no information which indicates water level declines or well interference problems in this area."

"The applicant's lands are located within the exterior boundaries of the Federal Columbia Basin Irrigation Project. The construction and operation of project facilities and the delivery of imported surface waters have had a major impact on the ground water hydrology in the Columbia Basin. Intentional and incidental water losses from project facilities and irrigated lands have caused a general rise in the ground water levels, which has resulted in making water available in underground storage artificially. Such water is designated as "artificially stored ground water." With the project there has been a substantial commingling of naturally occurring and artificially stored ground water."

"As certain persons and entities claim interests to portions of these commingled waters, the department, in 1967, adopted an interim policy, Chapter 508-14 WAC, to guide the department in granting authority to make withdrawals from these commingled waters until ground water subareas are established under the procedures set forth in RCW 90.44.130. Two provisions of this interim policy apply to all applications for ground water permits within the exterior boundaries of the Columbia Basin Project, but outside established ground water management sub areas:"

- "Permits may be issued if it appears to the department as a tentative conclusion that public ground waters are available; however, all such permits shall be conditioned that if it is subsequently determined by the department that public waters are not available in the amounts authorized for withdrawal by such permits, the department shall, by order of notification, withdraw or modify the authority granted therein as may be appropriate."
- "No certificates of water right as provided for in RCW 90.44.080 shall be issued by the department until such time as a more definite determination can be reached as to the availability of public waters."

"Since the applicant's land lie within the Columbia Basin Project, but outside of an established ground water management subarea, these provisions would apply to this application."

In October 17, 1988 Mr. James A. Jacobson of the ERO in his Report of Examination in support of the requested change to add a point of withdrawal and place of use wrote in part:

"It is the conclusion of this examiner that the additional point of withdrawal as requested will tap the same body of public ground water as the original well; that the use of the use of the additional well will not enlarge the right conveyed by the original permit; and that other existing rights will not be impaired."

The GC WCB reviewed the Department's database of existing wells within one mile of the proposed new point of withdrawal within the NW1/4NW1/4 of Section 18, T16N, R26E, W.M. Within the mile radius one application for new water and two cancelled permits were found and not considered in impairment. A domestic use water right claim number G3-132934CL located within Section 7, T16N, R26E, W.M., but because of its distance and limited amount of water the GC WCB considered its right would not to be impaired.

RECOMMENDATIONS

It is the conclusion of the Grant County Water Conservancy Board this application for change complies with the conditions set forth under RCW 90.44.100 and 2E2SHB 1338 and it is recommended that this application for change be approved [change of place of use and points of withdrawal] subject to the following provisions:

PROVISIONS

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

The water quantities and uses recommended and/or the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the uses and/or the number of acres actually Irrigated.

This authorization for the withdrawal of public ground waters within the boundaries of the Columbia Basin Project Is based on a tentative conclusion that public ground waters are available. If, however, it is subsequently determined by the department that public ground waters are not available in the amounts authorized for withdrawal, the department shall, by order of notification, withdraw or modify the authority granted therein as may be appropriate. In accordance with WAC 508-14-030(2)(b), no certificate of water right as provided for in RCW 90.44.080, shall be issued by the Department of Ecology until such time as a more definite determination can be reached as to the availability of public ground waters in an area described in WAC 508-14-030(3).

If water from facilities of any legally formed irrigation district is used on any or all of the lands described herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations

A certificate of water right will not be issued until a final examination is made. The water quantities and uses recommended and/or the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the uses and/or the number of acres actually irrigated.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

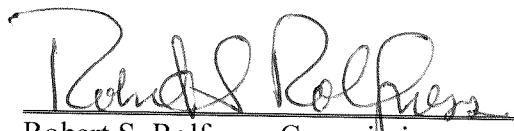
The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

Signed at Moses Lake, Washington
This 22 day of January, 2004


Robert S. Rolfness, Commissioner
Grant County Water Conservancy Board

For attachments not included or for more information please contact:

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